P21475.A19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : K. AYUKAWA et al.

Group Art Unit: 3682

Appl No. : 09/961,365

Examiner: M. CHARLES

Filed : September 25, 2001

Confirmation No. 5941

For : THIN AUTOTENSIONER

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This Reply Brief is in response to the Examiner's Answer dated May 18, 2007, the period for reply extending until July 18, 2007. However, if any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

The Examiner maintains the grounds of rejection advanced in the final rejection of claims1-4 and provides arguments in support thereof.

Appellants note that this Reply Brief is being filed under 37 C.F.R. § 41.41(a)(1) and is directed to the arguments presented in the Examiner's Answer, and therefore must be entered unless the final rejection is withdrawn in response to the instant Reply Brief. With regard to this Reply

Brief, Appellants note that it is addressing points made in the Examiner's Answer dated May 18, 2007 and not repeating the arguments set forth in the Appeal Brief filed November 8, 2004, the Reply Brief filed March 28, 2005, and the Reply Brief filed January 8, 2007.

It is respectfully submitted that the Appeal Brief filed November 8, 2004, the Reply Brief field March 28, 2005, and the Reply Brief filed January 8, 2007 have fully addressed the requirements for patentability of the pending claims. Accordingly, the herein-contained remarks are merely supplemental to the Appeal Brief field on November 8, 2004, the Reply Brief field March 28, 2005, and the Reply Brief filed January 8, 2007, and all previously proffered arguments in the Appeal Brief and the Reply Briefs are incorporated herein. In order to facilitate review of the Reply Brief and for the sake of brevity, the present remarks do not include a discussion of all rejected claims or points raised by the Examiner, and such is not to be considered an acquiescence to the Examiner's rejections or remarks.

The KOTZAB Device Does Not Include A Damping Force That Is A Function of Frequency

In the Examiner's Answer on page 5, lines 13-18, the Examiner asserts that in the KOTZAB device, "the damping force is a function of the frequency and the frequency is a function of the load. Thus, when the load increases the twisting angle and the frequency increases and thus the damping force increases. Therefore, when the belt is tight the load on the arm increases resulting [sic] a larger damping force on the arm. It is known that when the belt is slack the load on the arm decreases thus the frequency decreases resulting [sic] a lower damping force".

However, it is respectfully submitted that the Examiner's assertion misstates the operation of the KOTZAB device. As noted in the Reply Brief filed March 28, 2005, page 7, the Examiner has not provided any explanation for nor pointed to any disclosure in the KOTZAB patent for this assertion, nor has the Examiner provided any explanation of such an operation in any tensioning device. Moreover, it is noted that in the KOTZAB device, the damping force is not a function of frequency. Rather, the damping force depends on the force pressing on the friction member and the coefficient of friction. In particular, reference is made to the KOTZAB patent, figures 1 and 3-5. The KOTZAB device includes an inner cylindrical section 19 of the swivel arm housing 8 having a stepped recess 26, and a cylindrical friction bushing 27 connected to the stationary housing 10 in a rotationally fixed manner (column 4, line 65 through column 5, line 2). Further, the friction bushing 27 is formed of a material having a high coefficient of friction (column 5, lines 3-5). In the basic operative state of the device, the belt tension is in a state of equilibrium with the spring 33, and the swivel arm 1 is deflected relative to the housing 10. The spring 33 is spaced from the friction bushing 27 and an annular gap 38 exists between the spring 33 and the friction bushing 27. Thus, in this operating position, there is no static friction between the friction bushing 27 and the inner cylindrical section 19, and shocks are intercepted and damped (column 5, lines 23-55). Therefore, contrary to the Examiner's comments in the Answer, the damping force in the KOTZAB device is not a function of frequency.

Moreover, it is noted that the damping force in the instant invention is also not a function of frequency. As described in the Appeal Brief, in the instant invention, the difference between the first and second damping force depends on the force with which the rocking arm 24 presses the friction

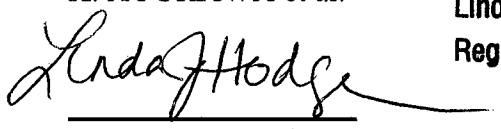
member 26. See particularly page 4 of the Appeal Brief and the specification, page 18, line 25 through page 23, line 15. The difference between the first and second damping force is not related to frequency, but depends upon the force with which the rocking arm presses the friction member.

Appellants respectfully submit that the rejection of claims 1-4 and 6 under 35 U.S.C. § 103(a) over YASUHITO in view KOTZAB is improper. Accordingly, Appellants respectfully request that the Board reverse the decision of the Examiner to reject claims 1-4 and 6 under 35 U.S.C. § 103(a), and remand the application to the Examiner for allowance.

Appellants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 103(a), and that the present application and each pending claim are allowable over the prior art of record.

Should there be any questions, any representative of the U.S. Patent and Trademark Office is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,
K. AYUKAWA et al.



Linda J. Hodge
Reg. #47,348

Bruce H. Bernstein
Reg. No. 29,027

July 17, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191